

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

( Original)    ( Supplemental)    ( Substitute)    ( PCT)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and sole inventor (if only one name is listed below) or an original, of the subject matter which is claimed and for which a patent is sought on the invention entitled "**DIAGNOSIS METHOD OF INFLAMMATORY, FIBROTIC OR CANCEROUS DISEASE USING BIOCHEMICAL MARKERS**", which is described and claimed in the specification

- (check one)    []    which is attached hereto, or  
    which was filed on October 13, 2000, as United States Application No. 09/687,459  
                         and with amendments through (if applicable), or  
    in International Application No. PCT/, filed , and as amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known by me to be material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119 (a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) or §365(b) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATIONS: (ENTER BELOW IF APPLICABLE)			PRIORITY CLAIMED (MARK APPROPRIATE BOX BELOW)	
APP. NUMBER	COUNTRY	DAY/MONTH/YEAR FILED	YES	NO
00402326.3	Europe	21/08/00	X	

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information known by me to be material to the patentability of the claims of this application as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS (MARK APPROPRIATE COLUMN BELOW)		
		PATENTED	PENDING	ABANDONED

I hereby appoint the following attorneys and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:



23859

PATENT TRADEMARK OFFICE

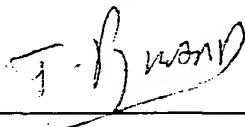
Address all telephone calls to Gwendolyn D. Spratt at telephone no. (404) 688-0770.

Address all correspondence to:

Gwendolyn D. Spratt, Esq.  
NEEDLE & ROSENBERG, P.C.  
Suite 1200, The Candler Building  
127 Peachtree Street, N.E.  
Atlanta, Georgia 30303-1811

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: THIERRY POYNARD

Inventor's signature: 

Date: 06/24/2001

Residence: c/o Groupe Hospitalier Pitié-Salpêtrière, 47 bd de l'Hôpital - 75013 Paris/France

Post Office Address: c/o Groupe Hospitalier Pitié-Salpêtrière, 47 bd de l'Hôpital - 75013 Paris/France

Citizenship: France

24/06/2001

T. Poinard

**AVENANT n° 1 au contrat de cession  
VAL 02/00-40/01 signé le 23 mai 2002  
et ordonné par le juge le 25 avril 2002**

**FIRST AMENDMENT to assignment agreement  
VAL 02/00-40/01 dated May 23, 2002  
and ordered by the judge on April 25, 2002**

Entre :  
Between:

**EPIGENE**, société anonyme, ayant son siège 63 Boulevard Masséna, 75013 Paris, numéro SIRET 42141767600028, représentée par Maître Marie José JOSSE agissant en qualité de mandataire judiciaire, dûment autorisée par ordonnance du 25 avril 2002 de Madame le juge commissaire,  
**EPIGENE**, limited company, having its headquarters 63 Masséna Boulevard, 75013 Paris, number SIRET 42141767600028, represented by Maître Marie José JOSSE, acting as quality of liquidator, duly authorized by order dated April 25, 2002 by the judge commissioner

Ci-après dénommée le « **CEDANT** »  
Hereafter named the “**ASSIGNOR**”

Et,  
And,

**L'ASSISTANCE PUBLIQUE – HOPITAUX DE PARIS (AP-HP)**, établissement public administratif, ayant son siège 3 avenue Victoria 75100 Paris R.P., représentée par sa Directrice Générale et par arrêté directorial de délégation n° 2002-0219 DG du 9 décembre 2002 ; par Monsieur Nicolas BEST, Secrétaire Général de la Délégation Régionale à la Recherche Clinique, Carré historique de l'hôpital Saint-Louis, 1 avenue Claude Vellefaux – 75010 Paris

**ASSISTANCE PUBLIQUE – HOPITAUX DE PARIS (AP-HP)**, administrative public establishment, having its headquarters 3 avenue Victoria 75004 Paris RT, represented by its General Manager and by executive order of delegation n° 2002-0219 DG dated December 9, 2002, by Mr Nicolas BEST, Secrétaire Général de la Délégation à la Recherche Clinique, Carré Historique de l'hôpital Saint-Louis, 1 avenue Claude Vellefaux – 75010 Paris

Ci-après dénommée le « **CESSIONNAIRE** »  
Hereafter named the “**ASSIGNEE**”

Collectivement désignées ci-après par les « **PARTIES** »  
Collectively named the “**PARTIES**”

**IL EST PREALABLEMENT EXPOSE QUE :**  
**WHEREAS,**

Le **CEDANT** et le **CESSIONNAIRE** ont signé le 23 mai 2002 un contrat de cession, portant sur la cession de la demande de brevet européen EP 00402326.3 du 21 août 2000 et la demande de brevet PCT IB 00/01559 du 24 octobre 2000, dûment autorisé par ordonnance du 25 avril 2002.

The **ASSIGNOR** and the **ASSIGNEE** have signed on May 23, 2002 an assignment agreement, relating to the assignment of European patent application EP 00402326.3 filed on August 21, 2000 and of International PCT application IB 00/01559 filed on October 24, 2000, duly authorized by order dated April 25, 2002.

**EN CONSEQUENCE, IL A ETE CONVENU ET ARRETE CE QUI SUIT :**  
**IT IS AGREED AS FOLLOWS:**

**ARTICLE 1 :**

Dans l'attendu du contrat de cession VAL 02/00-40/01 du 23 mai 2002, le 4ème paragraphe est remplacé par ce qui suit:

Le **CEDANT** a également fait procéder au dépôt d'une demande de brevet aux Etats-Unis par le Pr. POYNARD, le 13 octobre 2000 (n° 09/687,459) revendiquant la priorité de la demande de brevet européen EP 00402326.3. La demande de brevet aux Etats-Unis a été déposée au nom de l'inventeur selon les dispositions légales américaines. Un document de cession des droits de la demande de brevet US 09/687,459 du Pr. POYNARD au **CEDANT**, daté du 25 octobre 2000, a été déposé à l'Office Américain des Brevets, et enregistré le 8 novembre 2000 ce qui confère au **CEDANT** les droits sur la demande de brevet 09/687,459.

In the "whereas" of assignment agreement VAL 02/00-40/01 dated May 23, 2002, the fourth paragraph is replaced as follows:

The **ASSIGNOR** also made proceed to the filing of a patent application in the United States, by Pr POYNARD on October 13, 2000 (n° 09/687,459), claiming priority of European patent application EP 00402326.3. The US patent application was filed in the name of the inventor according to US legal provisions. An assignment document transferring the rights to US patent application 09/687,459 from Pr. POYNARD to **ASSIGNOR**, dated October 25, 2000, was filed with the USPTO and registered on November 8, 2000, which confers the rights on US patent application 09/687,459 to the **ASSIGNOR**.

## ARTICLE 2 :

L'article 1 du contrat de cession VAL 02/00-40/01 du 23 mai 2002 est modifié comme suit :

Par le présent accord, le **CEDANT** cède et transfère sans autres garanties que son existence matérielle au **CESSIONNAIRE** qui accepte à ses risques et périls, la propriété pleine et entière de la demande de brevet européen n° 00402326.3, du brevet qui y fera suite, de la demande de brevet PCT IB 00/01559 et des brevets nationaux ou régionaux qui y feront suite (les Brevets du Contrat) ainsi que de la demande de brevet aux Etats-Unis 09/687,459 du 13 octobre 2000 et des brevets qui y feront suite.

Article 1 of agreement assignment VAL 02/00-40/01 dated May 23, 2002 is modified as follows:

By this agreement, the **ASSIGNOR** assigns and transfers, without other guarantees than its material existence, to the **ASSIGNEE** who accepts at its own risks, the whole and total property of European patent application n° 00402326.3, of the patent which will follow thereof, as well as of patent application PCT IB 00/01559 and national or regional patents which will follow thereof (Patents of the Contract), as well as of patent application 09/687,459 filed on October 13, 2000 and of the patents which will follow thereof.

## ARTICLE 3 :

L'article 2 du contrat de cession VAL 02/00-40/01 du 23 mai 2002 est modifié comme suit :

La présente cession comprend également la cession du droit de priorité attachée aux demandes mentionnées ci-dessus aux fins de permettre au **CESSIONNAIRE** de procéder éventuellement à d'autres dépôts à l'étranger de demandes de brevet en revendiquant la priorité de la demande de brevet européen ou de la demande de brevet PCT ou de la demande US.

Article 2 of agreement assignment VAL 02/00-40/01 dated May 23, 2002 is modified as follows:

The present assignment also includes transfer of the priority right attached to the above mentioned applications to allow the **ASSIGNEE** to proceed possibly to other foreign filings of patent applications by claiming the priority of the European patent application or the PCT patent application, or the US application.

ARTICLE 4 :

Les PARTIES conviennent que les dispositions du contrat initial, non modifiées par le présent avenant, restent inchangées et demeurent en vigueur.

The PARTIES agree that provisions of the initial agreement, not modified by the present amendment, remain unchanged and remain in force.

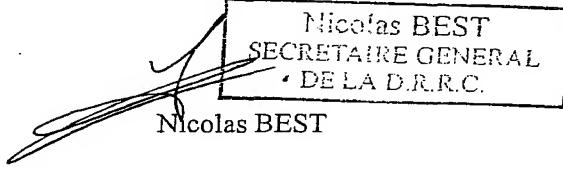
Fait à Paris, le ..... 2003, en quatre exemplaires originaux  
Made in Paris, on ..... 2003, in four original specimen

Pour EPIGENE,  
For EPIGENE,  
Le CEDANT  
The ASSIGNOR

Pour l'ASSISTANCE PUBLIQUE-HOPITAUX DE PARIS,  
For ASSISTANCE PUBLIQUE – HOPITAUX DE PARIS,  
Le CESSIONNAIRE  
The ASSIGNEE  
La Directrice Générale de l'AP-HP et par délégation,  
The Directrice Générale de l'AP-HP and by executive order of delegation,  
Le Secrétaire Général de la Délégation à la Recherche Clinique,  
The Secrétaire Général de la Délégation à la Recherche Clinique

Maitre JOSSE

Nicolas BEST  
SECRETAIRE GENERAL  
DE LA D.R.R.C.  
Nicolas BEST



Sole or joint

USA Patent Appn

For Inventions  
made outside USA

**ASSIGNMENT**

In consideration of the sum of One Dollar (\$ 1.00) and other good and valuable consideration paid to each of the undersigned, to wit:

(1) Thierry POYNARD	(6) _____
Insert Name(s) of Inventor(s)	(2) _____ (7) _____
	(3) _____ (8) _____
	(4) _____ (9) _____
	(5) _____ (10) _____

the receipt and sufficiency of which are hereby acknowledged by the undersigned who at the behest of, hereby sell(s), assign(s) and transfer(s) unto,

Insert name of Assignee  
and address

**EPIGENE**  
**65 boulevard Masséna – 75013 Paris / France**

(hereinafter designated "ASSIGNEE") the entire right, title and interest for the United States of America as defined in 35 U.S.C. 100, in the invention known as

Title of invention

**Diagnosis method of inflammatory, fibrotic or cancerous disease using biochemical markers**

For which an application for Letters Patent of the United States of America:

- (a) has been executed by the undersigned on  
(b) has been filed on **October 13, 2000**  
and assigned Serial No. **09/687,459**

and the undersigned hereby authorize(s) and request(s) the United States Commissioner of Patents and Trademark to issue said Letters Patent to the said ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives; the undersigned agree(s) that the attorneys of record in said application shall hereafter act on behalf of said ASSIGNEE;

AND the undersigned hereby agree(s) to transfer a like interest, upon request of the said ASSIGNEE, its successors, assignees and legal representatives, and without further remuneration, in and to any and all divisions, continuations, substitutes, and reissues thereof; and to testify and execute any papers for ASSIGNEE, its successors, assigns and legal representatives, deemed essential by ASSIGNEE to ASSIGNEE's full protection and title in and to the invention hereby transferred.

Signed on the date(s) indicated beside my/our signature(s)

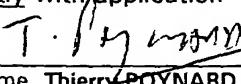
**INVENTOR(S)**

concurrently with application

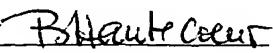
**DATE SIGNED**

**WITNESS(ES)**

1)

  
Name **Thierry POYNARD**

**Oct. 25, 2000**



2)

Name

3)

Name

4)

Name

5)

Name